Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 02-22-12	Bureau/Station/Facility: FOR III / Pico Rivera Sheriff's Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 912-01486-1515-055	Date: 02-22-12 Time: 2138 Hours
City or Station: Pico Rivera	Nature of Incident: Deputies responded to a "Man with a gun, possible ambush" call. As deputies arrive, they encounter the suspect in the middle of the street. The suspect is uncooperative ignoring commands to show his hands. He turns away from the deputies blading himself. As he does this, he produces a hand gun from his right pocket. The deputies and suspect exchange gun fire. The suspect collapses and the sidewalk. His hand gun is recovered several feet from where he was laying.
Location: [redacted] Rosemead Bl.	

Location Type (*circle one or more*):
Backyard
Beach
Business
Freeway
Industrial
Park
Parking Lot
Residence
Rural
School
Street
Other: ______

Lighting (*circle only one*):
Darkness
Daylight
Other
Street Lights

Weather (*circle only one*):
Clear
Cloudy
Fog
Rain

Distance: 100 Feet

Incident Type (*circle one or more*):
Accidental
Armed Person
Fleeing Suspect
Foot Pursuit
Gun Take Away
Moving Vehicle
Sniper/Ambush
Startle
Struggle Involved
Traffic Stop
Unarmed Person
Unintentional
Vehicle Pursuit
Warrant Service
Warning Shot
Other: ______

Initiated by (*circle only one*):
Arrest Warrant
Call
Observation
One Person Unit
Other
Search Warrant
Two Person Unit

Prior Activity (*circle only one*):
Detective
Inmate Transport
Other
Routine Patrol

Total # of Shots Fired by Deputy: 38
Total # of Shots Fired by Suspect: 5

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Padilla	John		EM PM Day	Regular Overtime Off Duty
[redacted]	Felix	Venus		EM PM Day	Regular Overtime Off Duty
[redacted]	Helbing	Scott		EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I.	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Castro	John		On Duty; Witness to shooting; Present during shooting; Involved in shooting
				On Duty; Witness to shooting; Present during shooting; Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Yanagi	Brian	

PSTD Use Only

SH # ______

Officer Involved Shooting

URN: 912-01486-1515-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
02-22-12	2245	04-05-13	

Employee #	Last Name	First Name	M.I
[redacted]	Flores	Carlos	E
[redacted]	Graham	Scott	A
[redacted]	Rossi	John	E

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	UC						
S1	E2	UC						
S1	E3	UC						
S1	E4	UC						
S1	E5	UC						
S1	E1	FH					NN	
S1	E2	FH					NN	
S1	E3	FH					NN	
S1	E4	FH					NN	
S1	E5	FH					NN	
E1	S1	FH	BR	9	Y	Y	GS	BT
E2	S1	FH	BR	9	Y	Y	GS	BT
E3	S1	FH	BR	9	Y	Y	GS	BT
E4	S1	FH	BR	9	Y	Y	GS	BT
E5	S1	FH	BR	9	Y	Y	GS	BT

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 912-01486-1515-055

Involved Employee

E 1

Field	Value
Employee #	[redacted]
Last Name	Castro
First Name	John
M.I.	
Sex	M
Race	H
Rank	Sergeant
Unit Assignment	Pico Rivera
Work Assignment (Unit #, Module, etc.)	150S
ShiftTime (*circle only one*): EM / PM / Day	(EM)
ShiftType (*circle only one*): Regular / Overtime / Off Duty	(Regular)
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☐
Hrs of sleep prior to shooting	8-10
Duty Time (hrs)	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	(Uniform w/ Vest)
Other Factors	
Age	[redacted]
Height	5-08
Weight	200
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	[redacted]
Number of Prior Shootings	[redacted]
Directed Force	[redacted]
Weapons Fired Brand	Beretta
Caliber	9MM
# Shots	9
Weapons Fired Brand	
Caliber	
# Shots	
Field Training Officer Emp #	[redacted]
Last Name	[redacted]
First Name	[redacted]
M.I.	[redacted]
Field Training Officer Emp #	[redacted]
Last Name	[redacted]
First Name	[redacted]
M.I.	[redacted]

E 2

Field	Value
Employee #	[redacted]
Last Name	Reyes
First Name	Adrian
M.I.	J
Sex	M
Race	H
Rank	Deputy
Unit Assignment	Pico Rivera
Work Assignment (Unit #, Module, etc.)	152F
ShiftTime (*circle only one*): EM / PM / Day	(EM)
ShiftType (*circle only one*): Regular / Overtime / Off Duty	(Regular)
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☒
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☐
Hrs of sleep prior to shooting	8
Duty Time (hrs)	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	(Uniform w/ Vest)
Other Factors	
Age	[redacted]
Height	6-02
Weight	235
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	[redacted]
Number of Prior Shootings	[redacted]
Directed Force	[redacted]
Weapons Fired Brand	Colt AR-15
Caliber	.223
# Shots	17
Weapons Fired Brand	
Caliber	
# Shots	
Field Training Officer Emp #	[redacted]
Last Name	[redacted]
First Name	[redacted]
M.I.	[redacted]
Field Training Officer Emp #	[redacted]
Last Name	[redacted]
First Name	[redacted]
M.I.	[redacted]

E 3

Field	Value
Employee #	[redacted]
Last Name	Escalante
First Name	Ligia
M.I.	C
Sex	F
Race	H
Rank	Deputy
Unit Assignment	Pico Rivera
Work Assignment (Unit #, Module, etc.)	151K3
ShiftTime (*circle only one*): EM / PM / Day	(EM)
ShiftType (*circle only one*): Regular / Overtime / Off Duty	(Regular)
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☒
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☐
Hrs of sleep prior to shooting	5-6
Duty Time (hrs)	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	(Uniform w/ Vest)
Other Factors	
Age	[redacted]
Height	5-04
Weight	132
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	[redacted]
Number of Prior Shootings	[redacted]
Directed Force	[redacted]
Weapons Fired Brand	Beretta
Caliber	9MM
# Shots	4
Weapons Fired Brand	
Caliber	
# Shots	
Field Training Officer Emp #	[redacted]
Last Name	[redacted]
First Name	[redacted]
M.I.	[redacted]
Field Training Officer Emp #	[redacted]
Last Name	[redacted]
First Name	[redacted]
M.I.	

See Other Side

Officer Involved Shooting
Involved Employee Information

URN: 912-01486-1515-055

Involved Employee

E 4

Employee # [redacted]	Last Name: Lucero	First Name: Maria	M.I.
Sex: F / Race: H	Rank: Deputy	Unit Assignment: Pico Rivera	Work Assignment (Unit #, Module, etc.): 152B
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] / Height: 5-00 / Weight: 130			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] / Number of Prior Shootings: [redacted] / Directed Force: [redacted]
Weapons Fired Brand: Beretta / Caliber: 9MM / # Shots: 2	Weapons Fired Brand: / Caliber: / # Shots:		
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 5

Employee # [redacted]	Last Name: Cantu	First Name: Andres	M.I.
Sex: M / Race: H	Rank: Deputy	Unit Assignment: Pico Rivera	Work Assignment (Unit #, Module, etc.): 152H
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): Regular (Overtime) Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 8-10	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] / Height: 5-10 / Weight: 215			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] / Number of Prior Shootings: [redacted] / Directed Force: [redacted]
Weapons Fired Brand: Beretta / Caliber: 9MM / # Shots: 6	Weapons Fired Brand: / Caliber: / # Shots:		
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E__

Employee #	Last Name	First Name	M.I.
Sex: / Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: / Height: / Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ / Number of Prior Shootings: / Directed Force: ☐
Weapons Fired Brand: / Caliber: / # Shots:	Weapons Fired Brand: / Caliber: / # Shots:		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting Suspect Information

URN: 912-01486-1515-055

Suspect Information

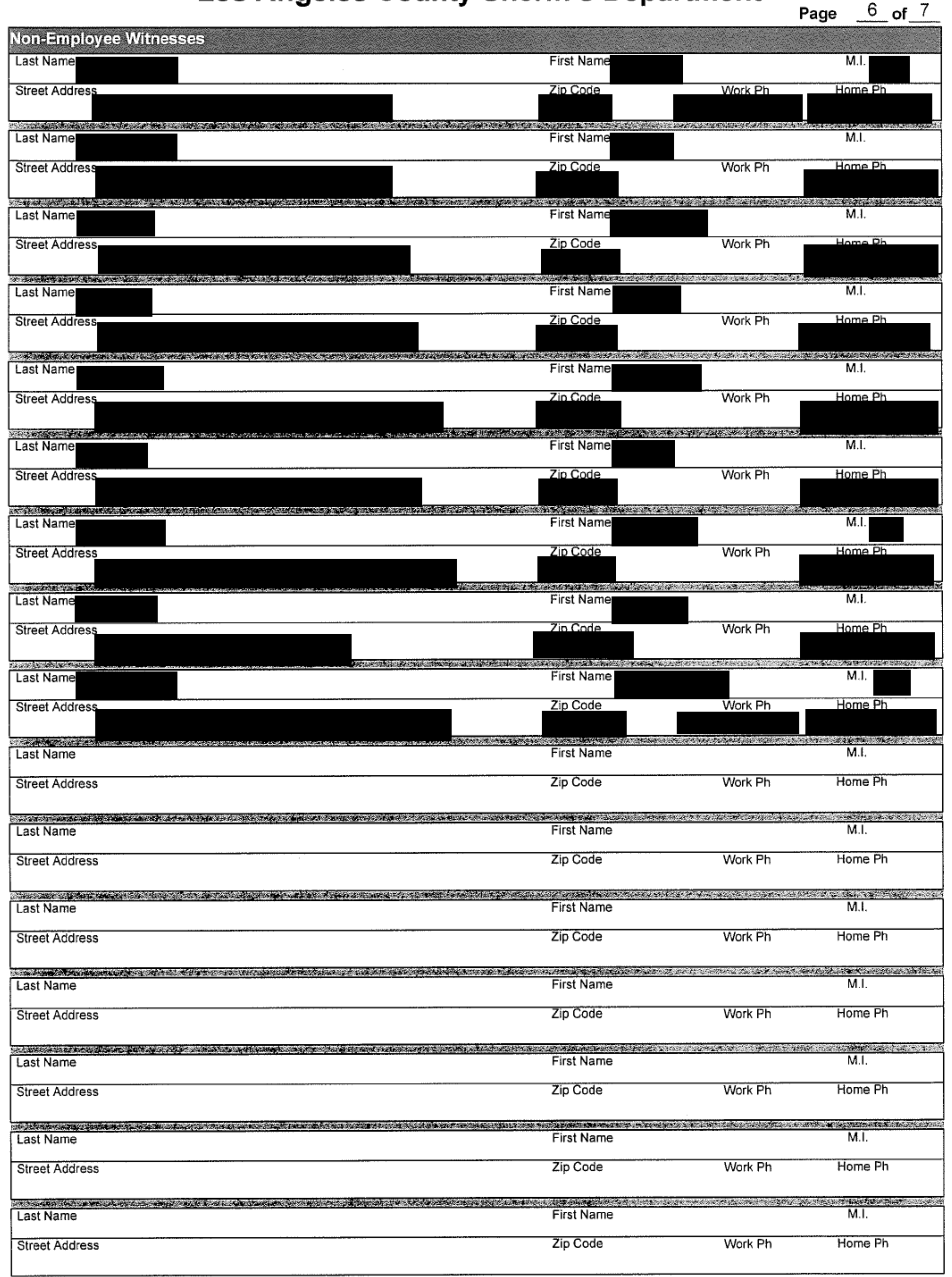
S__ Last Name Luna		First Name Eddie	M.I. A
AKA Last Name Eddy Boy		First Name	M.I.
Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone:	Social Security #:	Driver's License #: [redacted]
Age: 19 D.O.B. 05-08-83	Height: 6-00 Weight: 195	FBI #	CII #
Booking # 3060066	Primary Charge: 245 (d)(3) P.C.	Secondary Charge: 12021 P.C.	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? ☒
Vehicle Make		Model:	Year:

S__ Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__ Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__ Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department



Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Looney	Edward	M	3235 Lakewood Bl. Long Beach, Ca	90808	562-421-2701	
Msuhagian	Walter	H	3235 Lakewood Bl. Long Beach, Ca	90808	562-421-2701	

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: HIT
SH2307685
URN 912-01486-1515-055

DATE / TIME / LOCATION

Wednesday, February 22, 2012
2138 Hours
[redacted] Rosemead Blvd., Pico Rivera

Pico Riviera Station received a 911 call from Suspect Luna, who said, "I'm drunk, and I have a gun." He added that he was at the [redacted]. When asked his name he said, "Don't worry about it til you get here," then hung up the phone.

Deputies responded to the location regarding a "possible man with a gun, possible ambush" call. Deputy Reyes and assisting units were the first to arrive at the location and contacted Suspect Luna, who was frantically pacing in circles in the middle of the street, as if he were under the influence. Also present was an unidentified female adult, positioned on her knees within a few yards of Suspect Luna and yelling unintelligibly at him.

Deputies continued to order Suspect Luna to show his hands, get on the ground, which he ignored. Aero Bureau's Air 21 responded and remained over the scene, and relayed to deputies that Suspect Luna had a handgun protruding from his right, pants pocket.

Upon the arrival of additional units, and through the direction of Sergeant Castro, deputies strategically positioned themselves at the scene and formulated a lethal and non-lethal plan to contact Suspect Luna. Fortunately, deputies were able to remove the unidentified female adult from the location prior to their engagement.

Suspect Luna continued to ignore the deputies' commands to show his hands and submit to their authority. As he removed his shirt and continued to yell at deputies, the butt of a handgun was now clearly displayed in his front pants pocket. He motioned several times at the handgun, antagonistically trying to make the deputies react to his movements. Without warning, Suspect Luna removed the handgun from his pocket and pointed it at deputies. Fearing for their safety, deputies fired multiple rounds, striking him twice. During the exchange, Suspect Luna retreated and fired approximately five rounds at deputies, missing them. Suspect Luna collapsed on a nearby sidewalk and was detained without further incident.

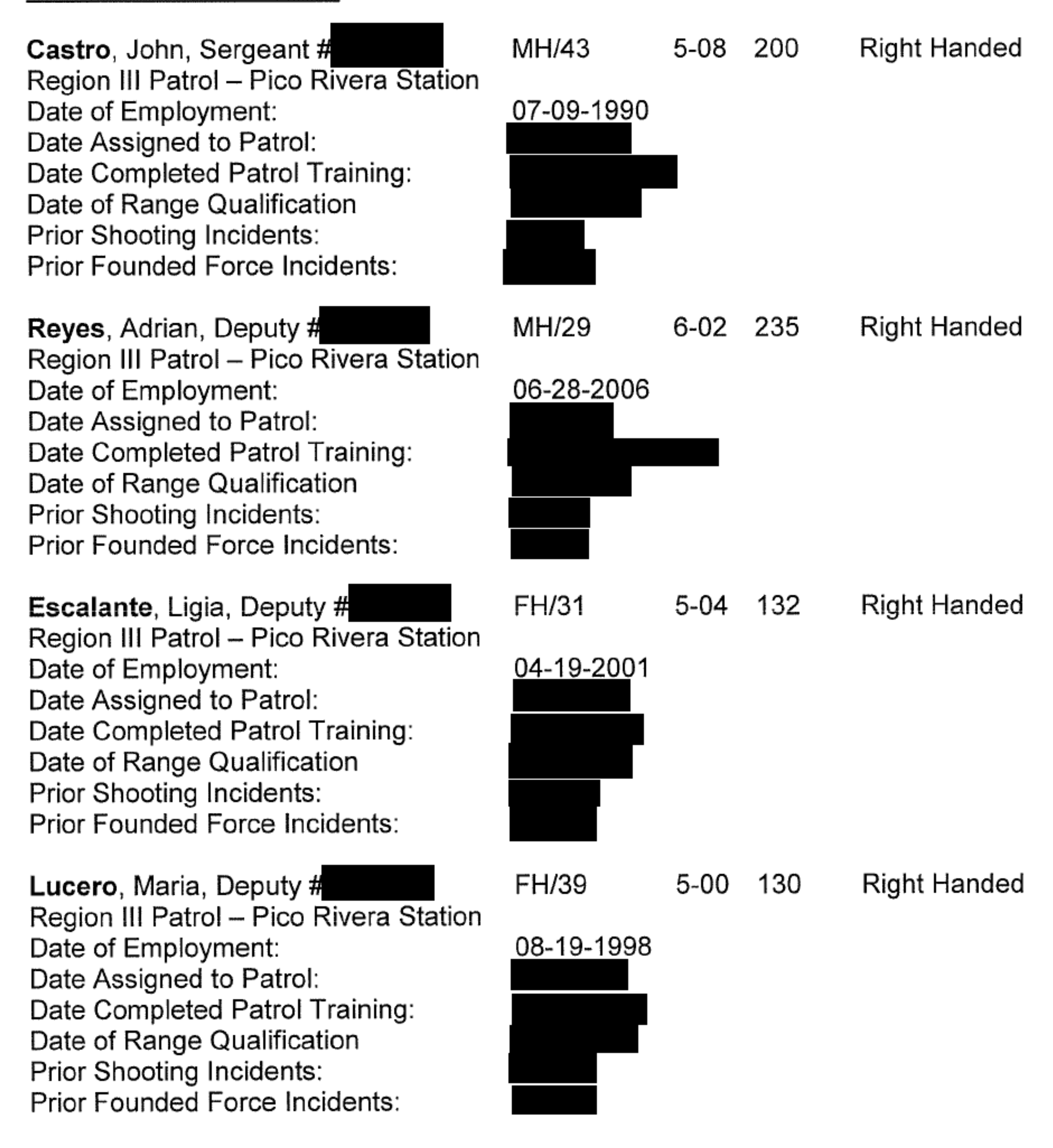
Internal Affairs Bureau Acting Lieutenant Carlos Flores was notified. He along with Sergeants Scott Graham and John Rossi responded to Pico Rivera Station, to conduct

an administrative review of the incident. The following review is based on written documentation, interviews of witnesses, and involved deputies.

IAB SHOOTING / FORCE TEAM

Acting Lieutenant Carlos Flores, Sergeant Scott Graham, and Sergeant John Rossi.

INVOLVED PERSONNEL



Castro, John, Sergeant #[redacted]	MH/43	5-08	200	Right Handed
Region III Patrol – Pico Rivera Station				
Date of Employment:	07-09-1990			
Date Assigned to Patrol:	[redacted]			
Date Completed Patrol Training:	[redacted]			
Date of Range Qualification	[redacted]			
Prior Shooting Incidents:	[redacted]			
Prior Founded Force Incidents:	[redacted]			
Reyes, Adrian, Deputy #[redacted]	MH/29	6-02	235	Right Handed
Region III Patrol – Pico Rivera Station				
Date of Employment:	06-28-2006			
Date Assigned to Patrol:	[redacted]			
Date Completed Patrol Training:	[redacted]			
Date of Range Qualification	[redacted]			
Prior Shooting Incidents:	[redacted]			
Prior Founded Force Incidents:	[redacted]			
Escalante, Ligia, Deputy #[redacted]	FH/31	5-04	132	Right Handed
Region III Patrol – Pico Rivera Station				
Date of Employment:	04-19-2001			
Date Assigned to Patrol:	[redacted]			
Date Completed Patrol Training:	[redacted]			
Date of Range Qualification	[redacted]			
Prior Shooting Incidents:	[redacted]			
Prior Founded Force Incidents:	[redacted]			
Lucero, Maria, Deputy #[redacted]	FH/39	5-00	130	Right Handed
Region III Patrol – Pico Rivera Station				
Date of Employment:	08-19-1998			
Date Assigned to Patrol:	[redacted]			
Date Completed Patrol Training:	[redacted]			
Date of Range Qualification	[redacted]			
Prior Shooting Incidents:	[redacted]			
Prior Founded Force Incidents:	[redacted]			

Cantu, Andres, Deputy #[redacted] MH/40 5-10 215 Right Handed
Region III Patrol – Pico Rivera Station
Date of Employment: 02-08-1995
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Date of Range Qualification [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECT

Luna, Eddie Alberto MH/28

The Consolidated Criminal History System reveals Suspect Luna [redacted]

Offenses include: [redacted]

Suspect Luna is a member of the "Stoners 13" Gang and goes by the moniker of "Eddy Boy."

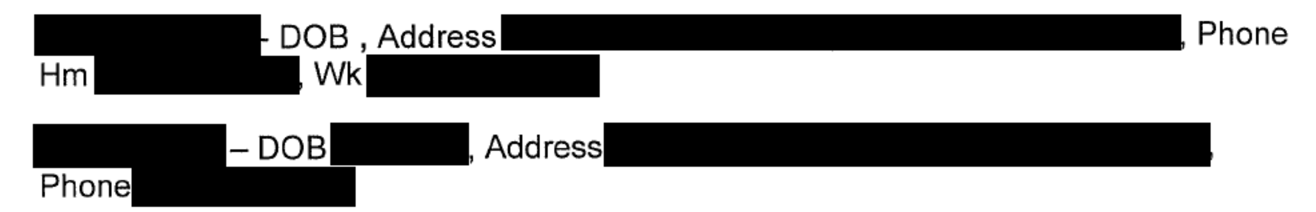
> **IAB NOTE:** Suspect Luna's Criminal History Report is included in this case book. See **Exhibit A pages 152-172.** Photographs of Suspect Luna are also included. See **Exhibit A pages 149-152.**

> **IAB NOTE:** Suspect Luna was [redacted] at the time of this incident.

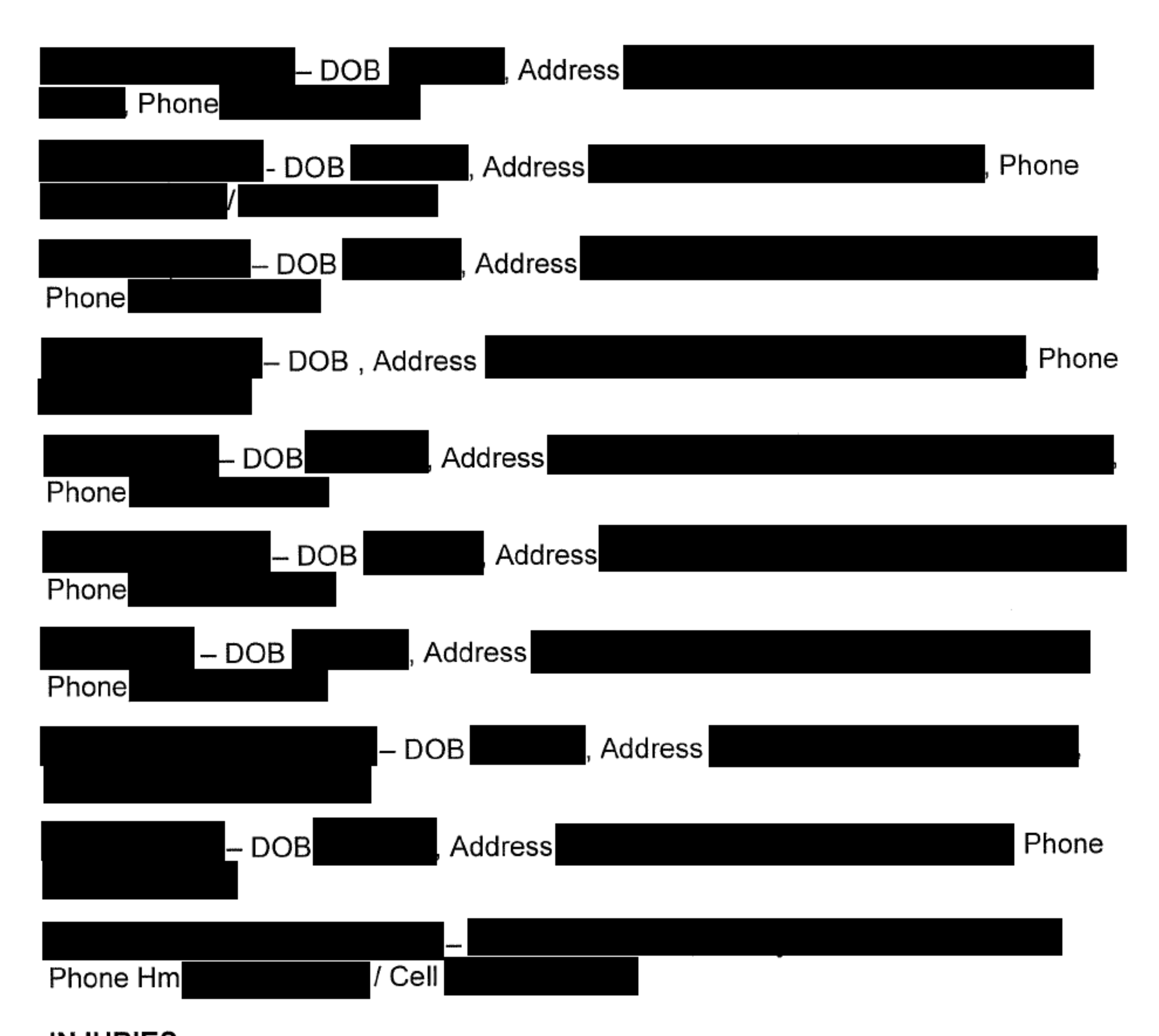
EMPLOYEE WITNESSES

Padilla, John - #[redacted], Deputy Sheriff
Felix, Venus- #[redacted], Deputy Sheriff
Helbing, Scott - #[redacted], Deputy Sheriff
Looney, Ed - #[redacted], Deputy Sheriff
Mushagian, Walter - #[redacted], Deputy Sheriff

NON-EMPLOYEE WITNESSES


[redacted] - DOB , Address [redacted], Phone Hm [redacted], Wk [redacted]

[redacted] – DOB [redacted], Address [redacted],
Phone [redacted]



[redacted] – DOB [redacted], Address [redacted], Phone [redacted]

[redacted] - DOB [redacted], Address [redacted], Phone [redacted]/[redacted]

[redacted] – DOB [redacted], Address [redacted], Phone [redacted]

[redacted] – DOB , Address [redacted], Phone [redacted]

[redacted] – DOB [redacted], Address [redacted], Phone [redacted]

[redacted] – DOB [redacted], Address [redacted] Phone [redacted]

[redacted] – DOB [redacted], Address [redacted] Phone [redacted]

[redacted] – DOB [redacted], Address [redacted], [redacted]

[redacted] – DOB [redacted], Address [redacted] Phone [redacted]

[redacted] – [redacted] Phone Hm [redacted] / Cell [redacted]

INJURIES

Suspect Luna:

Sustained two gunshot wounds. One to his left knee, and one to his buttocks.

Deputy Personnel:

None.

PHYSICAL EVIDENCE

(19) expended 9MM casings, (17) .223 casings, and (5) 7.62MM casings were recovered from the shooting scene.

IAB NOTE: For a complete listing of physical evidence collected at the scene, See **Exhibit A, pages 44-61.**

DISTANCE

Between 50 and 150 feet.

INVESTIGATOR OBSERVATIONS

On February 22, 2012, the Internal Affairs Bureau's Force and Shooting Response Team responded to the unincorporated Pico Rivera area regarding a deputy involved, hit shooting. The team consisted of Acting Lieutenant Carlos Flores, and Sergeants Scott Graham and John Rossi. Attorney Rob Miller of the Office of Independent Review also responded.

> **IAB NOTE**: IAB Acting Lieutenant Carlos Flores checked to see that the Watch Commander, Lieutenant Brian Yanagi #[redacted], took reasonable steps to ensure the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, IAB Acting Lieutenant Carlos Flores checked to see if the watch commander attempted to have the involved and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.

Upon their arrival, they learned that there was an active command post and containment of the crime scene area. Investigators learned the series of events that occurred, culminated into a deputy involved, hit shooting involving Sergeant John Castro, Deputies Escalante, Reyes, Cantu, and Lucero. The personnel involved in the incident were uniformed patrol deputies.

The criminal investigation was handled by Homicide Bureau Detectives William Cotter, and Shannon Laren. They entered the crime scene with Sheriff's Crime Lab Personnel. They documented their actions and findings on Supplemental Reports. See **Exhibit A, pages 40- 47.**

> **IAB NOTE:** Photographs of the scene are included in this case book. See **Exhibit C.** A sketch of the scene is also included, See **Exhibit D.**

REVIEW OF RADIO TRANSMISSIONS

Internal Affairs Investigator Scott Graham reviewed the radio broadcast during the incident. On the recording at (2139:10 Hours), SCC dispatches a call of a "Possible 417, Code 77, 927H." They provide the address, business name and the description of the call stating," Male caller stated he's 390, has a gun, line disconnected. D.P. is un-coop on call the back. "

- At (2140:09 Hours), SCC requests an air unit to the call.
- At (2140:19 Hours), SCC advises that aero is responding.
- At (2140:23 Hours), 151K3 requests to have units switch to the tactical frequency.
- At (2140:36 Hours), Air 21 asks SCC for the comments in the call and advises they are "two out."
- At (2144:19 Hours), 153F advises "10-33."
- At (20144:30 Hours), 153F advises they are detaining a possible 417 suspect at gun point. He provides the location, direction and notifies units to come in from the north.
- At (2144:46 Hours), 150S advises he will be there in seconds. SCC advises of 150S's arrival and repeats 153F's broadcast.
- At (2145:05 Hours), a unit tells units to block off northbound Rosemead Blvd.
- At (2145:14), Air 21 advises units to watch the suspect's right hand, he has something in his pocket.
- Between (2145:19 Hours) and 2145:22Hours), a female voice is garbled on the radio.
- At (2145:28 Hours) Air 21 advises again the suspect has something black in his right hand/pocket.
- Between (2145:39 Hours) and 2145:43 Hours), a female voice is garbled on the radio.
- At (2145:45Hours), SCC asks for a unit with a stun bag.
- At (2145:50Hours), SCC asks for a unit with a stun bag to respond to the [redacted].
- At (2145:57Hours), 152E advises he has a stun bag.
- At (2146:09 Hours), Air 21 advises the suspect may be 417 in his right front pants pocket.
- At (2146:20 Hours), a unit asks to block off traffic.
- At (2147:10 Hours), a unit asks to block off traffic at Caron and Rosemead.
- At (2147:17 Hours), 153F says the suspect is taking something out of his pocket and to stand by.
- At (2147:17 Hours), Air 21 states, "It looks like a 417 from here. He just pulled it out and put it back in his pocket."
- At (2147:35 Hours), 153F says there is a confirmed 417 in his front pocket.
- At (2147:50 Hours), a unit asks for an AR-15 to deploy.
- At (2147:51 Hours), 153F confirms that an AR-15 is available.
- At (2147:55 Hours), Air 21 advises to have a unit roll Code3 to Caron to block off traffic. -At (2148:04 Hours), 153F asks SCC to have Norwalk units come to assist, then says she needs a unit to block off traffic by the liquor store ASAP.
- At (2148:18 Hours), Air 21 states, "Unit with roof top 164 to block off the road as soon as that car comes out of there and watch your cross fire."
- At (2148:09 Hours), SCC requests 43K2 to respond to the location.
- At (2148:17 Hours), Air 21 asks for units to block off south bound traffic.
- At (2148:26 Hours), 153F asks aero to keep them informed because they cannot see the suspect's right hand.
- At (2149:09 Hours), a unit asks to block off south bound traffic at Rosemead and Coffman.
- At (2149:16 Hours), unit 151 acknowledges that they "will go all the way around."
- At (2150:16 Hours), SCC requests 43K2 and 48D1 to respond to the [redacted]. Both units acknowledge.

- At (2150:31 Hours), a unit requests that additional responding units go to the north side of the [redacted].
- At (2150:46 Hours), a unit asks where they want the C.P?
- At (2150:50 Hours), Air 21 advises to hold off on the C.P. until they have all units in place. They tell ground units they still need the side street, Coffman Pico blocked off. -
- At (2151:14 Hours), a unit advises he is blocking south bound traffic on Rosemead.
- At (2151:26 Hours), Air 21 advises that the unit blocking to the north is good. They also need someone at Coffman and Rosemead to stop cars coming off the side street.
- At (2151:40 Hours), a unit advises he can be there in 10 seconds.
- At (2151:36 Hours), 153F unit requests a K-9 unit.
- At (2151:47 Hours), SCC requests a K-9 unit.
- At (2152:09 Hours), SCC again requests a K-9 unit.
- At (2152:19 Hours), SEB desk acknowledges, and at (2152:20 Hours), they are stepped on by Air 21 advising "998". Air 21 advises the suspect is down on the sidewalk, and he "fired" at deputies.
- At (2152:30 Hours), a unit advises the suspect is down, they are holding fire, and several other descriptors.
- At (2152:47 Hours), the same unit advises that 902R is needed to stage, and assisting units to stage at the C.P.
- At (2152:55 Hours), Air 21 advises, "10-33, 10-33."
- At (2152:58 Hours), a unit advises of a person running east.
- At (2153:03 Hours), Air 21 advises the suspect dropped the gun about 20 feet away ahead of him. They advise that ground units can make a tactical approach.
- At (2153:13 Hours), 153F tells aero to stand by, then requests a shield.
- Between (2153:22 Hours), and (2153:45 Hours), a tactical plan is being coordinated.
- At (2153:46 Hours), Air 21 advises that deputies are involved in a fight at the liquor store, Caron/Rosemead.
- At (2153:59 Hours), a unit asks aero if they still need to block traffic.
- At (2154:05 Hours), SCC tells 153F, "Go ahead."
- At (2154:08 Hours), 153F advises they are going to wait until the fight at the liquor store is Code 4, then they will approach the suspect.
- At (2154:16 Hours), SCC requests a unit in less than one minute to the fight.
- At (2154:30 Hours), 153F request units to the [redacted] for an arrest team.
- At (2154:37 Hours), Air 21 requests that roof top 549 go to the liquor store.
- At (2154:51 Hours), unit 151 advises he is enroute.
- At (2154:58 Hours), a unit asks aero, "How far north of Slauson is the liquor store?"
- At (2155:08 Hours), a unit advises there is still traffic on Caron.
- At (2155:14 Hours), 153F asks if deputies are Code 4 at the liquor store.
- At (2155:18 Hours), Air 21 advises they are Code 4 and tells the ground units further details about the suspect and the gun.
- At (2155:31 Hours), 153F advises they are waiting for two additional units, then they are going to approach the suspect.
- Between (2155:41 Hours) and (2156:06 Hours), Air 21 and ground units coordinate better placement of the units.
- Between (2156:07 Hours) and (2156:45 Hours), K-9 Sam and Air 21 coordinate their response.

- At (2156:46 Hours) SCC asks for conditions at the liquor store.
- At (2156:52 Hours), Air 21 reminds unit at the liquor store to watch out for gun fire.
- At (2157:05 Hours), 153F advises they have an arrest team and asks aero if the surrounding area is clear for them to approach.
- At (2157:05 Hours), Air 21 tells them the area looks clear for them to approach.
- At (2157:34 Hours), 153F advises they are going to approach the suspect and to "hold the air."
- At (2157:46 Hours), 153F asks for units to block traffic on Rosemead Bl.
- At (2158:05 Hours), a unit advises he is blocking at Rosemead and Market place.
- At (2158:11 Hours), SCC advises there are two Temple units responding.
- At (2158:24 Hours), 150S asks the units at the liquor store if they are Code4.
- At (2158:29 Hours), Air 21 advises the units are Code 4.
- At (2158:35 Hours), 150S advises the arrest team is making the approach.
- At (2158:35 Hours), SCC rebroadcasts the units are making the approach.
- At (2158:51 Hours), 151K3 advises again they will be making the approach to keep the air clear.
- At (2158:57 Hours), Air 21 asks 150S if everyone where the shooting took place are Code 4?
- At (2159:03 Hours), 151K3 advises they are all Code 4.
- At (2159:11 Hours), Air 21 advises a news helicopter is over head.
- At (2201:16 Hours), a female unit asks for 902R to roll in.
- At (2201:16 Hours), a unit asks 150S to get the C.P set up.
- At (2201:34 Hours), Air 21 tells ground units where possible witnesses to shooting are at.
- At (2201:53 Hours), a female unit requests for personnel to contact the witnesses.
- At (2202:04Hours), SCC re broadcasts for units to respond for the witnesses. Unit 151 acknowledges. SCC advises that fire is notified.
- At (2202:18Hours), a female unit asks SCC for a tactical frequency.
- At (2202:30Hours), 150D advises that there are units from several agencies responding to assist to the C.P. set up at Washington/Rosemead. He then asks for a Pico unit to break free to run the C.P., and fire is Coffman and Rosemead.
- At (2202:58Hours), 151A acknowledges.
- At (2203:04Hours), 150S suggest another location for the C.P.
- At (2203:25Hours), SCC advises the C.P. is at Walgreen's Rosemead and Washington, and A-Tac 3 is restricted.
- At (2204:00 Hours), all units switch to A-Tac 3.

IAB NOTE: Recordings of Dispatch 13 emergency radio traffic, L-Tac, and A-Tac 3 are included in this case book. See **Exhibit B**.

LIGHTING AND WEATHER CONDITIONS

It was dark out with the area being illuminated by the air unit, patrol vehicles headlights and spotlights, and street lights. The incident occurred at (2152 hours).

WEAPONS USED BY DEPUTY PERSONNEL

Sergeant Castro:

Service Weapon Type:	Beretta 9 millimeter Semi-Automatic
Rounds Fired:	Nine
Type of Ammunition Used:	Department Issued Luger (Win) Ranger SXT 147gr.
Date Employee Last Qualified:	[redacted]

IAB NOTE: An examination of Sergeant Castro's firearm by Homicide detectives indicated he had shot a total of nine rounds. See **Exhibit A, page 81**. The firearm was taken as evidence by Sheriff's Crime Lab. See **Exhibit A, pages 13-139.** It was examined and found to be fully functional.

IAB NOTE: Sheriff's Crime Lab recovered (19) 9 MM casings at the crime scene. See **Exhibit A,** pages 45-55, and140-143.

Deputy Reyes:

Service Weapon Type:	AR-15 .223 Caliber Semi-Automatic
Rounds Fired:	Seventeen
Type of Ammunition Used:	Department Issued (Win) Ranger Jacketed Soft Point 55 gr.
Date Employee Last Qualified:	[redacted]

IAB NOTE: An examination of Deputy Reyes' firearm by Homicide detectives indicated he had shot a total of seventeen rounds. Seventeen expended, .223 casings, were recovered at the scene. See **Exhibit A, page 72**. The firearm was taken as evidence by Sheriff's Crime Lab. See **Exhibit A, pages 136-139.** It was examined and found to be fully functional.

Deputy Escalante:

Service Weapon Type:	Beretta 9 millimeter Semi-Automatic
Rounds Fired:	Four
Type of Ammunition Used:	Department Issued Luger (Win) Ranger SXT 147gr.
Date Employee Last Qualified:	[redacted]

IAB NOTE: An examination of Deputy Escalante's firearm by Homicide detectives indicated he had shot a total of four rounds. See **Exhibit A, page 70**. The firearm was taken as evidence by Sheriff's Crime Lab. See **Exhibit A, pages 136-139.** It was examined and found to be fully functional. .

Deputy Cantu:

Service Weapon Type:	Beretta 9 millimeter Semi-Automatic
Rounds Fired:	Six

Type of Ammunition Used: Department Issued Luger (Win) Ranger SXT 147gr.

Date Employee Last Qualified: [redacted]

IAB NOTE: An examination of Deputy Cantu's firearm by Homicide detectives indicated he had shot a total of six rounds. See **Exhibit A, page 69**. The firearm was taken as evidence by Sheriff's Crime Lab. See **Exhibit A, pages 136-139.** It was examined and found to be fully functional.

Deputy Lucero:

Service Weapon Type:	Beretta 9 millimeter Semi-Automatic
Rounds Fired:	Two
Type of Ammunition Used:	Department Issued Luger (Win) Ranger SXT 147gr.
Date Employee Last Qualified:	[redacted]

IAB NOTE: An examination of Deputy Lucero's firearm by Homicide detectives indicated she had shot a total of two rounds. See **Exhibit A, page 79**. The firearm was taken as evidence by Sheriff's Crime Lab. See **Exhibit A, pages 136-139.** It was examined and found to be fully functional.

WEAPONS USED BY SUSPECT

CZ, Model CZ52, (Tokaren) 7.62 X 25 Semi- Auto serial number # R[redacted]

IAB NOTE: The firearm was taken as evidence by Sheriff's Crime Lab. An examination of Suspect Luna's firearm by Sheriff's Crime Lab revealed the magazine contained (1) live bullet. (2) live 7.62 bullets, and (5) expended 7.62 casings were recovered at the scene. The firearm was examined and found to be fully functional. See **Exhibit F**.

PROPERTY DAMAGE

None.

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigators: Homicide Bureau – Sergeants William Cotter and Shannon Laren.

Charges Filed: (7) counts of Assault with a Deadly Weapon on a Peace Officer, Ex-Felon in Possession of a Firearm.

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The case was filed at Norwalk Court on 02-27-12, case number VA123795.

HOMICIDE INTERVIEWS OF INVOLVED EMPLOYEE'S

The involved Sergeant and Deputies were interviewed during the investigation by Homicide Bureau Investigators Shannon Laren and William Cotter on February 22-23, 2012. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the ***Transcriptions*** *section of the IAB casebook. For the summaries of these interviews with the Homicide Bureau investigators, refer to* ***Exhibit A****,* ***pages 57 through 61****.*

Castro, John #[redacted]*- pages 80-81*
Cantu, Andres#[redacted]*– pages 67-69*
Escalante, Ligia #[redacted]*- pages 69-70*
Lucero, Maria #[redacted]*- pages 78-79*
Reyes, Adrian #[redacted]*- pages 70-72*

INTERNAL AFFAIRS INTERVIEWS

Sergeant John Castro was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Mark Reyes on March 7, 2013, at 1134 hours. The interview was digitally audio-recorded.

Sergeant Castro answered questions relative to tactics.

Sergeant Castro said they were completing the early morning briefing when a call of a 417 suspect, possible Code 77, came over the radio. He said Deputy Escalante had the handle on the call. She asked him, "What makes this a Code 77?"

Sergeant Castro said they had a similar call a week prior and they had already trained for this type of call. He told Deputy Escalante, "Let's go by the numbers." She coordinated the call and they responded from the station. He said prior to arriving on scene, he heard Deputy Escalante coordinate arriving units. The first two units were deputies Padilla and Reyes. They initiated "10-33" radio traffic saying they had the suspect in sight. They broadcasted their location. Sergeant Castro said he began to respond. While doing so, SCC asked for a "Sam" unit to respond. He advised he would be there in seconds. Sergeant Castro said that as a supervisor, he was comfortable with the way the call was being handled as he drove to the location.

Upon his arrival, he saw Deputy Padilla's vehicle on the right, and Deputy Reyes on the left. He pulled behind Deputy Reyes' radio car and parked. Sergeant Castro said he saw the suspect in the street. He said right anyway you could see his erratic, belligerent behavior. He said the suspect was yelling, cursing and was either intoxicated, or under the influence. The air unit was already over head and indicated they had seen a gun or black object in the suspect's pocket. Deputy Reyes asked him if he could deploy the AR-15. Sergeant Castro told him, "Go ahead, get the AR." He took a position of cover when Deputy Reyes walked away.

When Deputy Reyes returned, Sergeant Castro went over and told Deputy Padilla that there was an AR deployed. At this time, other deputies were arriving on scene. Deputy Padilla had deployed a stun bag. Sergeant Castro went back to let others know that a stun bag was deployed. Sergeant Castro said he went back to the position of cover with Deputy Reyes to be useful as a spotter, and let others know less lethal was available.

Sergeant Castro said he saw the suspect running back and forth in the street. He did not see the gun at this time as the suspect's body was bladed, moving his right side away from them.

During this time, commands were given to the suspect. Sergeant Castro saw some people in the hotel parking lot. He told Deputy Cantu to secure the parking lot, and detain one person to see if he was a friend, or just a spectator.

Deputy Escalante asked him, "Do I have everything Sarge?" He asked her if the street was blocked off, and get more units to stand by. Deputy Escalante made the requests, and positioned a unit to the south to block off the access road.

Sergeant Castro saw a female (Witness [redacted]), call the suspect over to the east curb. She handed the suspect a cell phone. The suspect talked on the cell phone and walked back in the middle of the street. Sergeant Castro told Deputy Felix to detain the female and ask her as many questions as possible to find out the suspects information, and confirm if he had a gun. Sergeant Castro went back to the radio car with Deputy Reyes again, to see if anything had changed. He said Deputy Reyes told him, "Sarge, I think he's already reached for his gun." Sergeant Castro asked him if he had seen the gun, because at this time, he had not seen it. The suspect squared off with the deputies. Sergeant Castro saw the butt of a gun sticking out of the suspects right pant pocket. He remembers Deputy Escalante confirming the suspect has a gun over the radio.

Sergeant Castro remained in his position of cover as he assisted Deputy Reyes as a spotter. He said the suspect was agitated, and fidgety. At this time, Sergeant Castro saw the suspect reach for his gun. He stated, "Feeling that he was going to pull it out and shoot at us, shoot at me or shoot at the whole crowd, I shot at him." He shot two or three times, and saw the suspect running away for them. He said he saw the suspect shooting at them while running. He said the suspect was running southbound side stepping and shooting under his arm. Sergeant Castro shot again at the suspect until the suspect went down. He heard the Aero unit say, "998, suspect down." Aero advised that the suspect's gun was about 20 feet from him, and it is a good time to approach.

Sergeant Castro backed up behind the radio cars to make sure the deputies were not hit or injured. Aero advised of a 415 deputy involved fight at the liquor store. Aero also told the deputies they need to approach before the suspect gets up. He instructed Deputy Escalante to let aero know they were going to wait until the fight was over before they would approach the suspect.

IAB NOTE: The fight mentioned by the Aero unit was not a fight. It was later learned that the father of the suspect was attempting to get into the area. He was prevented by containment deputies from entering the area because he was potentially in the line of fire by Sheriff's personnel.

They formed an arrest team. Sergeant Castro designated Deputy Reyes to stay back with the AR-15. He had Deputy Padilla approach with less lethal. Deputy Cantu had the shield. He assigned Deputies Lucero and another Deputy to be the arresting deputies. He and Deputy Escalante were designated shooters.

They approached the suspect. They handcuffed him and searched him. Deputy Escalante then radioed for paramedics to roll in. Sergeant Castro assigned a deputy to remain with the suspect's gun on the sidewalk.

Sergeant Castro said a Norwalk sergeant approached him. He told Sergeant Castro to get his team together and go back to their cars. He said his he and his deputies would take care of the scene.

Sergeant Castro said he was aware of his shooting background, and believes that based on his training, he looked through his sights.

IAB NOTE: During his interview, Sergeant Castro was shown photographs of the scene. Sergeant Castro was asked to mark his, and the suspect's position, when the incident occurred. Copies of these photos are included. See **Miscellaneous Documents**.

For Sergeant Castro's complete statements, refer to his verbatim interview transcripts.

Deputy Adrian Reyes was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Mark Reyes on March 5, 2013, at 1022 hours. The interview was digitally audio-recorded.

Deputy Reyes answered questions relative to tactics.

Deputy Reyes said he was at the Early Morning briefing when he heard a call of "911 hang up, 417, Possible Code 77" call. He assigned himself to the call. He and his sister car, Deputy Padilla, responded to the call.

When they arrived, they drove in from the north side of the [redacted] on the service road and the aero unit arrived moments before them. As they drove in, Deputy Reyes said the air unit advised there was someone in front if the location. Deputy Reyes saw a male (Suspect), and a female (Witness [redacted]), arguing in the middle of the service road.

Deputy Reyes said he and Deputy Padilla stopped their radio cars approximately 20 feet from them. Deputy Reyes got out of his car and asked if there was problem. He said the suspect began "mother fucking us, flipping us off." Due to the nature of the call, he believed this was the "possible 417 suspect." He got on the radio's emergency dispatch and pointed his gun at the suspect.

Deputy Reyes said the female was not paying attention to them. She was talking to the suspect telling him, "Don't, Stop. Don't be like this. Don't do this. Don't do this."

Deputy Reyes stated, "All I heard from him was just cussing at her and then every time we tried to get his attention, he just mother fucked us again, and was very uncooperative, never listened to any of our commands to show us his hands or anything."

Deputy Reyes said he advised via the "Patch" that he was detaining a possible 417 suspect at gun point. He advised he was facing south and requested for additional units.

Approximately 10 seconds later, Sergeant Castro arrived on scene. Soon after, Deputy Escalante arrived and took over all radio traffic. Less lethal was requested and Deputy Padilla retrieved a stun bag from his radio car.

The suspect was arguing with the female while walking back and forth in the street. He was getting farther away from where the radio cars were parked. He was throwing items out of his pockets. They attempted to get the female to come toward them to get her out of the potential line of fire. The air unit advised the suspect had a gun. Because of the suspect's distance from them, Deputy Reyes asked Sergeant Castro if he could deploy the AR 15. Sergeant Castro authorized its deployment. Deputy Reyes went back to the Sergeants vehicle and retrieved the AR 15.

When Deputy Reyes came back to his position, he said the suspect had taken his shirt off and turned toward them for a second. That is when he saw a gun in the suspect's right pants pocket.

Deputy Reyes said the female handed the suspect a cell phone. He got on it and was talking to someone. While he was on the phone, the female finally complied and walked over to the deputies.

Deputy Reyes said the suspect closed the cell phone and threw it on the ground. He turned and faced the deputies, grabbing the gun from his pocket. He said the suspect was approximately 30 feet from him. Fearing the suspect was going to pick up the gun and shoot at him and the other deputies, he fired two or three rounds in the suspect's direction to stop the threat.

Deputy Reyes said after he fired, he assessed to see if he had hit the suspect. He said the suspect looked straight at him, picked up his gun and turned away from him to the

east. The suspect bladed himself toward Deputy Reyes, lifted up his left arm, put the gun underneath his arm, and began shooting in Deputy Reyes direction.

Deputy Reyes saw "muzzle flash" and began firing at the suspect believing the suspect was going to kill him, or one of the other deputies. The suspect began running in a south east direction while continuing to shoot at them. Deputy Reyes kept shooting to stop the threat. He saw the suspect throw his hands up, then fall on the east curb line. Deputy Reyes reassessed, and saw the suspect's gun approximately 20 feet from him.

Deputy Reyes said an arrest team was formed. Because he had the AR 15, he provided cover for the arrest team while they approached the suspect. He said they made a tactical approach and handcuffed the suspect.

Deputy Reyes said he was aware of his shooting background stating, "I know it was a long service road and he was on the service road and there are buildings. I know there is a liquor store on the south, on the southeast corner off of Cravell or actually I can't think of the street name." He said he did use the iron sights to gain target acquisition.

> **IAB NOTE:** During his interview, Deputy Reyes was shown photographs of the scene. Deputy Reyes was asked to mark his, and the suspect's position, when the incident occurred. Copies of these photos are included. See **Miscellaneous Documents**.

For Deputy Reyes' complete statements, refer to his verbatim interview transcripts.

Deputy Ligia Escalante was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Mark Reyes on March 24, 2011, at 1045 hours. The interview was digitally audio-recorded.

Deputy Escalante answered questions relative to tactics.

Deputy Escalante was beginning her shift when she received a radio call of a "Man with a gun, possible Code 77." She responded from briefing. She coordinated the call assigning units to the north, east, west, and rear of the location, with additional units meeting her in front of the hotel. She also requested an aero unit.

As Deputy Escalante arrived on scene, she saw two units just pulling up. She heard "10-33" radio traffic and SCC stating the unit had seen the suspect with a gun. She parked directly behind one of the radio cars on the west side of the service road. As she got out of her radio car, she saw a male, (Suspect Luna) standing in the street in front of the [redacted]. She immediately took cover behind the driver's door of the radio car in front of hers.

Deputy Escalante said she immediately started coordinating units to block off traffic both north and south on Rosemead Bl. She had another unit block off Caron at Rosemead

BI. This was the access road where they were with the suspect. She requested a shot gun, stun bag, and additional deputies to the location.

Deputy Escalante said the suspect was pacing back and forth in the street. He had his right hand in his pocket. He was shouting at a female (Witness [redacted], who was on the east sidewalk. He took off his shirt, threw it on the ground and threw some objects at the female. The suspect's right side was away from the deputies as he faced east.

She gave commands to the suspect to show his hands and get on the ground. She did this over the radio car's public address system. The suspect was not cooperative with the deputies. She said he was approximately 50 feet away from them. He was walking east and west in the street. He briefly faced the deputies, but was focused on the female.

Deputy Escalante first saw the gun when the suspect slightly turned to his right and she saw the butt of the gun. She said that she was aware of the gun before she saw it because aero had mentioned it.

Deputy Escalante had someone go and bring the female over for her safety, and to obtain formation from her. Deputy Escalante asked the female who the suspect was. She told her, "Eddie," and confirmed he did have a gun.

Deputy Escalante got on the P.A. and called him by his name and told him, Let me see your hands. Is there anything we can do for you? Don't reach in your pocket." He responding telling them, "Fuck you", while flipping them off.

Deputy Escalante said that is when he reached into his right pocket, withdrew the gun and fired at the deputies. Fearing for her safety and the deputies by her, she fired back at the suspect. The suspect ran in a south easterly direction while firing back at them. She stopped shooting and reassessed. She saw the suspect go down. She said as he went down, he tossed his gun. It landed about 20 feet from him. She said the suspect went down approximately 100-150 feet from their vehicles.

> **IAB NOTE:** It was later learned that Deputy Escalante had fired a total of four rounds.

Deputy Escalante heard a deputy involved fight on the radio. She told everyone to stand by. She opted to wait because the fight was only about 200 feet from where they were.

She told Aero to let them know when the fight was Code 4, as well as they were formulating an arrest team, and plan.

When Aero said the fight was Code 4, she advised over the radio they were going to approach the suspect. She indicated she was assigned as a designated shooter. There was a shotgun, stun bag, a shield, and a Sergeant was on the arrest team.

They approached and ordered the suspect to show his hands. The suspect was still non compliant. She said the suspect was handcuffed without incident. They requested paramedics and he was treated for his injuries. They requested additional deputies and sergeants to respond. The involved shooters went to the Command post.

Deputy Escalante said she was aware of her shooting background stating, "There was no one there." She does not remember if she used her sights to gain target acquisition.

> **IAB NOTE:** During her interview Deputy Escalante was shown photographs of the scene. Deputy Escalante was asked to mark her, and the suspect's position, when the incident occurred. Copies of these photos are included. See **Miscellaneous Documents**.

For Deputy Escalante's complete statements, refer to her verbatim interview transcripts.

Deputy Maria Lucero was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Mark Reyes on March 7, 2013, at 1100 hours. The interview was digitally audio-recorded.

Deputy Lucero answered questions relative to tactics.

She and her partner, Deputy Felix, were just leaving a report call when they heard the "417, Possible Code 77" call come out. They added themselves to the call and responded.

They heard the radio traffic providing updates and they were told to enter from the north side. Deputy Lucero said there were already two – three units on scene.

Upon arrival, Deputy Lucero said she saw a male (Suspect), walking back and forth in the street and was not complying with the deputies commands. She got out of her radio car and remained on the passenger side. She said she moved from the passenger door area to the trunk area, but was at the door frame most of the time. She said the suspect was walking back and forth and "testing us out."

Deputy Lucero said the suspect ignored the commands and he was talking to a female (Witness [redacted]) who was there. He was flipping them off while lifting his shirt up and down. She said that at one point while his shirt was lifted up, she saw the butt of a gun in his right pocket.

She said within a couple of minutes of him walking back and forth, the suspect turned and faced her, and the other deputies. She saw him pull a gun, and then a muzzle flash. She realized the suspect was shooting at them. Deputy Lucero thinking the suspect was trying to kill her, fired at him. She said she shot three times. After she shot, she saw the suspect fall to the ground, and his gun fly through the air. She moved to the trunk area of her radio car.

Deputy Lucero said Sergeant Castro directed the formation of an arrest team. She was assigned to handcuff the suspect.

Deputy Lucero said she was aware of her shooting background stating, "I know there was a black and white vehicle that they had used to block off traffic there and that's it." She said she did not gain target acquisition, or use her sights.

> **IAB NOTE:** During her interview, Deputy Lucero was shown photographs of the scene. Deputy Lucero was asked to mark her, and the suspect's position, when the incident occurred. Copies of these photos are included. See **Miscellaneous Documents**.

For Deputy Lucero's complete statements, refer to his verbatim interview transcripts.

Deputy Andres Cantu was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Mark Reyes on August 24, 2011, at 1045 hours. The interview was digitally audio-recorded.

Deputy Cantu answered questions relative to tactics.

Deputy Cantu said he was at the Pico Rivera Station when he heard a "Possible 417" priority call come over the radio. He was close to the location, so he responded.

He said he came from the south and as he arrived, he heard "10-33" radio traffic. As he was driving north, he heard the deputies on scene advise they were detaining at gun point. Deputy Cantu realized that deputies were pointing their guns in his direction. He backed out then drove to the north side where the other radio cars were at. He said he was the third on scene.

Deputy Cantu said as he arrived, he saw the suspect yelling at the deputies. He saw something in the suspect's right hand pocket. He also saw a girl. (Witness [redacted]) sitting on the east side walk, and another male yelling. He said the persons were yelling at the suspect, not the deputies.

Deputy Cantu said he and the other deputies were ordering the suspect to "get down, get down. Let me see your hands!" The suspect replied back telling the deputies, "Fuck off, fuck you!"

Sergeant Castro told Deputy Cantu to go and deal with the other male who was yelling at the suspect. He backed a radio car out, then drove into the hotel via a north driveway out of the line of fire. He contacted the male, conducted quick pat down search, then detained him in the back seat of the radio car. He took a position of cover behind a vehicle that was parked in the lot.

Deputy Cantu said the suspect was walking back and forth in the street in front of the hotel. At one point he walked all the way into the west driveway. Deputy Cantu said the suspect told him, "Fuck you, I see you." Deputy Cantu realized that his car was in a vulnerable position if the suspect came around. He was concerned for the safety of the male in his back seat. He went back to his car and briefly talked with the male. The male told him the suspect was his friend, and had a gun. Deputy Cantu told the male to get out. The male went behind a building. Deputy Cantu said he did not identify the male because he was cooperative, not a threat to him, and he did not want him to get hurt so he released him.

Deputy Cantu went back to his previous position of cover. As the suspect paced back and forth, Deputy Cantu said he saw what appeared to be the butt of a gun. He said the suspect was tapping it.

He was asked if he let others know of the gun. Deputy Cantu said he told everybody, "Hey, gun. This guy has a gun." Everyone knew he had it, even Aero could see it.

As the suspect continued to walk back and forth, Deputy Cantu said he had a good view of the suspect. He saw a gun in the suspect's right front pants pocket. At one point the suspect reached for the gun, he was tapping on it, then grabbed it and started bring it out. Deputy Cantu said as the suspect grabbed the gun, he was facing him. The suspect began raising the gun. Deputy Cantu said he knew the suspect was going to start shooting. Fearing that he was going to be shot, he fired at the suspect. The suspect turned and faced the other deputies. Deputy Cantu said as the suspect pointed the gun at the other deputies, he was manipulating the gun. He said he did not know if the suspect was taking it off of safety, or racking it, but the gun was pointed at the deputies. The suspect began shooting, then placed the gun under his left arm while turning to his right. The suspect continued shooting while running in a south east direction. Deputy Cantu said he saw four muzzle flashes from the suspect's gun. He lost sight of the suspect because of his angle from the parking lot. He said he did see the suspect's gun fly in the air. He stated, "I didn't see a hand or nothing, but I did see his gun."

> **IAB NOTE:** It was later learned that Deputy Cantu had fired a total of six rounds.

Deputy Cantu said after he lost sight of the suspect, he did a tactical re-load. Aero advised the suspect was down, and the gun was so many feet away from him. Deputy Cantu felt it was safe for him to walk across the street back to the other deputies.

Sergeant Castro told him to get the "Shield" and they huddled behind one of the cars and formed a tactical plan to approach the suspect. Once the arrest team was formed, they had to wait because of a deputy involved fight just south of their location. Deputy Cantu said the fight was Code 4 in about a minute and they made their approach.

Deputy Cantu said the suspect appeared to have a gunshot wound to his hip. The suspect was still uncooperative. He looked at Deputy Cantu behind the shield and flipped him off, and saying "Fuck you!"

Once the suspect was handcuffed and secured, paramedics came and treated the suspect for his injuries.

Deputy Cantu said he was aware of his shooting background stating, "I had a, pretty much an empty street for me. It was hedges empty and they had the traffic already stopped on, on Rosemead Boulevard so there's nothing going on there. So it was just pretty much the hedges an empty street, and then an empty parking lot I believe behind that." He said he did use his sights, and did gain target acquisition.

> **IAB NOTE:** During his interview, Deputy Cantu was shown photographs of the scene. Deputy Cantu was asked to mark his, and the suspect's position, when the incident occurred. Copies of these photos are included. See **Miscellaneous Documents**.

For Deputy Cantu's complete statements, refer to his verbatim interview transcripts.

EMPLOYEE WITNESSES

The following below Department witnesses were identified at the location and interviewed by Homicide Bureau Investigators Shannon Laren and William Cotter. Precise wording may be obtained by reviewing the transcriptions under the ***Transcription*** *section, or the digitally audio recorded interviews located in IAB's audio files. For a summary of their interviews with the Homicide Bureau investigators, refer to* ***Exhibit A****, along with the corresponding pages.*

Deputy Venus Felix *pages 66-67*

She heard the call for service as it was dispatched via radio. She and her partner responded and were the fifth unit to arrive on the service road that runs parallel to Rosemead Boulevard. She parked behind three other patrol units and the larger vehicle driven by Sergeant Castro. All of the vehicles were facing south bound and were approximately in front of the [redacted] Motel. Once she exited her vehicle, she overheard Deputies Escalante, Reyes and Padilla all giving commands to a male suspect to show them his hands and to lie down on the ground.

Felix said she took a position behind the drivers side door of Deputy Reyes' car and stood to his right side. She saw that the suspect was continually displaying his middle finger toward them and shouting profanities at them, and the helicopter overhead. She estimated there was 20-30 feet separating the deputies from the suspect at that time. She also noted a female sitting on a planter box near the driveway of the motel. The female was also yelling at the deputies and the suspect. At one point, she also saw the female hand the suspect a cellular telephone so that he could have a conversation with

someone. Seeing this, Felix engage the female (later identified as Witness [redacted]) in conversation and asked her to come to the rear of the assembled patrol vehicles so that she could speak with her in a safer location. [redacted] agreed and came to the rear of the cars. [redacted] told Felix that the suspect was her [redacted] and that he did have a loaded gun with him. Felix then placed [redacted] into the rear seat of a nearby patrol vehicle for her safety.

Felix returned to the front of the patrol vehicles and took a position behind the passenger side door of the patrol vehicle closest to Rosemead Boulevard, so that she was standing near Victim Deputy Padilla. At that time, the suspect was standing to the east of her, near the east curb line of the service road. Felix then relayed the information to the other deputies that the suspect was in possession of a loaded firearm.

Felix then watched as the suspect used his right hand to lift his shirt up, exposing his waistband, he then used his left hand to point at a handgun he was carrying in his right front pants pocket. At that time, Felix could see that the handle of the gun was a darker brown or black color.

A short time later, Felix saw the suspect turn his left shoulder toward the east basically turning his back to her. She heard a "pop" sound then saw a muzzle flash come from the right hand of the suspect which was now exposed to her view in front of his body. She also heard several rounds fired by the deputy personnel around her. The suspect then ran toward the south and she saw several more muzzle flashes coming from his person. He then fell onto the east sidewalk of the street, south of her. The deputy personnel then stopped firing. A short time later, Felix was part of an arrest team that went forward and handcuffed the suspect without further incident.

Deputy John Padilla *pages76-78*

Deputy Padilla said that he was at the station in briefing when he heard the call come out over both the radio and the station "P.A." system. He left briefing and immediately responded to the location and was first to arrive. As he was responding, he heard unit 151K3 coordinating the response. He stopped his patrol unit in front of the location (facing south) and saw a male Hispanic in his 20's, wearing jeans and a sweatshirt, standing in the middle of the street in front of the location talking on a cell phone (Suspect Luna). He said at first, he wasn't sure if he was the informant or the suspect. He said at this point Deputy Reyes arrived and parked his vehicle next to him on his left.

The male began yelling at them and raising his hands in the air "flipping them off." He said both he and Deputy Reyes exited their cars and stood adjacent to their driver's doors. He said he heard somebody giving orders to the suspect to put the phone down and to put his hands up. He said Suspect Luna had his hands out to his sides and his right hand was holding a cell phone to his ear. Simultaneously, he lifted up his sweater with his left hand, revealing his front waistband and chest. He saw that his torso was heavily tattooed and he appeared to be a gang member. Suspect Luna yelled at them, "Fuck you." Deputy Padilla said he looked over at Deputy Reyes as he announced over

the "patch" (radio) that they were detaining the possible "417" (man with a gun) suspect. He then retrieved the stun bag shotgun from the truck of his patrol vehicle and loaded it. He moved back into his driver's door jam and took cover, while pointing the shotgun at Suspect Luna. At that time, he recalled seeing another radio car arrive south of them. He told them over "direct" (radio) to watch their crossfire.

As the situation continued, he heard deputies giving Suspect Luna commands to keep his hands in the air and slowly walk towards them. He saw that Suspect Luna did not follow the commands. He said that Suspect Luna was about 30 feet in front of him in the street and was walking towards him, then away with his hands at eye level. He didn't see anything in his hands.

He then saw a female seated on the curb, just south of the driveway. She started yelling at Suspect Luna, "Just stop. Do what they're telling you. Just listen to them." Suspect Luna walked over to the female and from a distance of approximately two to three feet, he took off his sweatshirt and threw it at her. He then removed an item from his left pocket and threw that at her too. He then walked away from her back into the middle of the street away from deputies. During this time, he heard other units arriving and heard deputies giving commands. Suspect Luna was still not complying. He then saw Suspect Luna turn around facing him and his right hand dropped to his right pants pocket. At this time, he saw an unknown black object protruding out of the top of the pocket. An unknown deputy repeatedly ordered Suspect Luna to get his hand away from the pocket. Suspect Luna complied and then again started talking to the female on the curb. He said he couldn't hear what the conversation was about. He said they were talking in a normal volume, not yelling. He saw the female hand Suspect Luna a cell phone. He walked back into the middle of the street as he apparently made a phone call and placed the phone to his ear. He heard more commands, telling Suspect Luna to hang up the phone and keep his hands where deputies could see them. He ignored the commands and "flipped off" himself (Padilla) and the other deputies two or three times.

Suspect Luna turned towards him and the other deputies as unknown deputies told him to keep his hands where they could see them and walk towards them. Suspect Luna took about three steps towards them, stopped and his right hand dropped down towards his right pants pocket. Suspect Luna then turned his body towards the motel and took two to three steps away from them, but turned his torso back and looked at them. At that time, Deputy Padilla said he saw a black gun in Suspect Luna's right hand pointed at them (deputies). He heard one "pop" and saw muzzle flash come from Suspect Luna's gun twice. He then heard numerous shots from deputies to his left. Suspect Luna ran southbound in the street about ten feet and then fell. He said it looked like Suspect Luna tripped and as he fell, his right hand came up in the air and the gun flew threw the air. He didn't see where it landed.

Deputy Padilla said that after Suspect Luna was down, he saw that he was still moving. He said that an unknown deputy requested the fire department to respond.

Deputy Scott Helbing, *pages 81-83*

Deputy Helbing said that he heard over the radio a call of a man with a gun, possible ambush in the Pico Station area. He said they arrived over the call in about three minutes. He saw a male walking around the courtyard of the "[redacted]" looking at them and thought that he was possibly the suspect. He then heard on the radio that deputies had located the suspect in the street. At that point, he also saw the suspect (Suspect Luna). He said Suspect Luna was standing in the street on the frontage road in front of the hotel. He used the helicopter spotlight to illuminate him. He saw a female with a red shirt kneeling at the end of a fence near the driveway, apparently pleading with Suspect Luna. Suspect Luna striped off his shirts and threw them onto the ground. He saw that Suspect Luna had numerous tattoos and he appeared to be a Hispanic gang member. At that point, Deputy Helbing said he saw a black object sticking out of Suspect Luna's right front pants pocket. He advised the deputies over the radio that the suspect possibly had a gun.

While the incident was occurring, Deputy Helbing said he was coordinating a perimeter containment. He also said that he was using a pair of "stabilized binoculars" to make his observations of Suspect Luna, while illuminating him with the helicopter spotlight. He said that he requested a patrol unit to block vehicle traffic on Karen Street, before the shooting occurred. A unit did take up a position south of the incident and blocked traffic.

Deputy Helbing saw that Suspect Luna was also apparently talking on a phone, which he had to his ear. He threw the phone to the female with the red shirt and "bladed his body" (turned sideways to a smaller profile view,) which shielded his right side from the deputies view. Then he placed his right hand on and off the black object in his pocket. He said at this point he saw that the black object appeared to be the butt of a gun. While Suspect Luna still had his right side bladed away from the deputies, he pulled the gun out of his pocket, looked down at it, then put it back into the same pocket. At this time, Deputy Helbing said he advised units over the radio that Suspect Luna did have a gun. Deputy Helbing said that shortly before or after he positively identified the gun, Suspect Luna put his shirt back on. He was acting agitated and yelling at deputies and the female on the sidewalk.

Deputy Helbing then saw Suspect Luna again pull the pistol out of his right front pants pocket, turn his body to the right and simultaneously run in a southeast direction away from the deputies and begin shooting back at the deputies. He saw muzzle flash as Suspect Luna fired three or four rounds at the deputies. Suspect Luna ran from the middle of the street towards the sidewalk. As he reached the sidewalk, he fell down onto the sidewalk. He recalled seeing numerous sparks on the street where deputy rounds were striking near Suspect Luna. He couldn't see the deputies actually shooting because they were in the dark and Suspect Luna was illuminated by the spotlight.

Suspect Luna fell down on the sidewalk with his head to the south and his feet to the north. He was bleeding from his buttock and upper leg area. His handgun came to a rest approximately 20 feet to the south of him on the sidewalk.

Deputy Ed Looney, *page 83*

Deputy Looney said that the night of the shooting, he was assigned to AIR 21 as the pilot. The observer was Deputy Scott Helbing and the rear passenger (directly behind the observer) that night was Reserve Deputy Walt Mushagian.

Deputy Looney said that he heard a call over the radio of a man with a gun, possible ambush in the Pico Station area. He said he flew them to the location and they arrived over the call in about three minutes. He advised that while over the call, he only periodically looked down to see what was happening. He said the safety of the flight is his number one priority. He said that he watched the back of his observer's head and turned the ship in the direction his observer was looking.

He said that he did see the deputies "setting up" and saw that the suspect (Suspect Luna) wasn't wearing a shirt and appeared agitated. He orbited over the scene and eventually saw Suspect Luna shooting at the deputies who were to his north. He was holding the gun in his right hand and was bladed, running southbound and shooting back across his body northbound. Deputy Looney saw two or three muzzle flashes from Suspect Luna, but didn't see any deputies shoot. When he came around on the next orbit, he saw Suspect Luna down. He stayed overhead until Suspect Luna was taken into custody.

Reserve Deputy Walter Mushagian, *page 84*

Deputy Mushagian said that the night of the shooting, he was assigned to AIR 21 as a backseat observer. He sat directly behind the front seat observer. The front seat observer was Deputy Scott Helbing and the pilot was Deputy Ed Looney.

Deputy Mushagian said he heard a call over the radio of a man with a gun, possible ambush in the Pico Station area. They arrived at the call in about four to five minutes. He saw radio cars lined up facing southbound on a side street and deputies behind the cars. He saw the suspect (Suspect Luna) 100-150 feet south of the deputies walking around, apparently agitated.

During the incident, he said that the helicopter was completing left hand orbits and he saw that Deputy Helbing was watching Suspect Luna with binoculars. At one point, Deputy Helbing notified ground units that Suspect Luna had a gun. He couldn't see the gun at that point.

They made a couple additional orbits, then he saw Suspect Luna walking towards the deputies, closing the distance between them. Suspect Luna then turned towards the

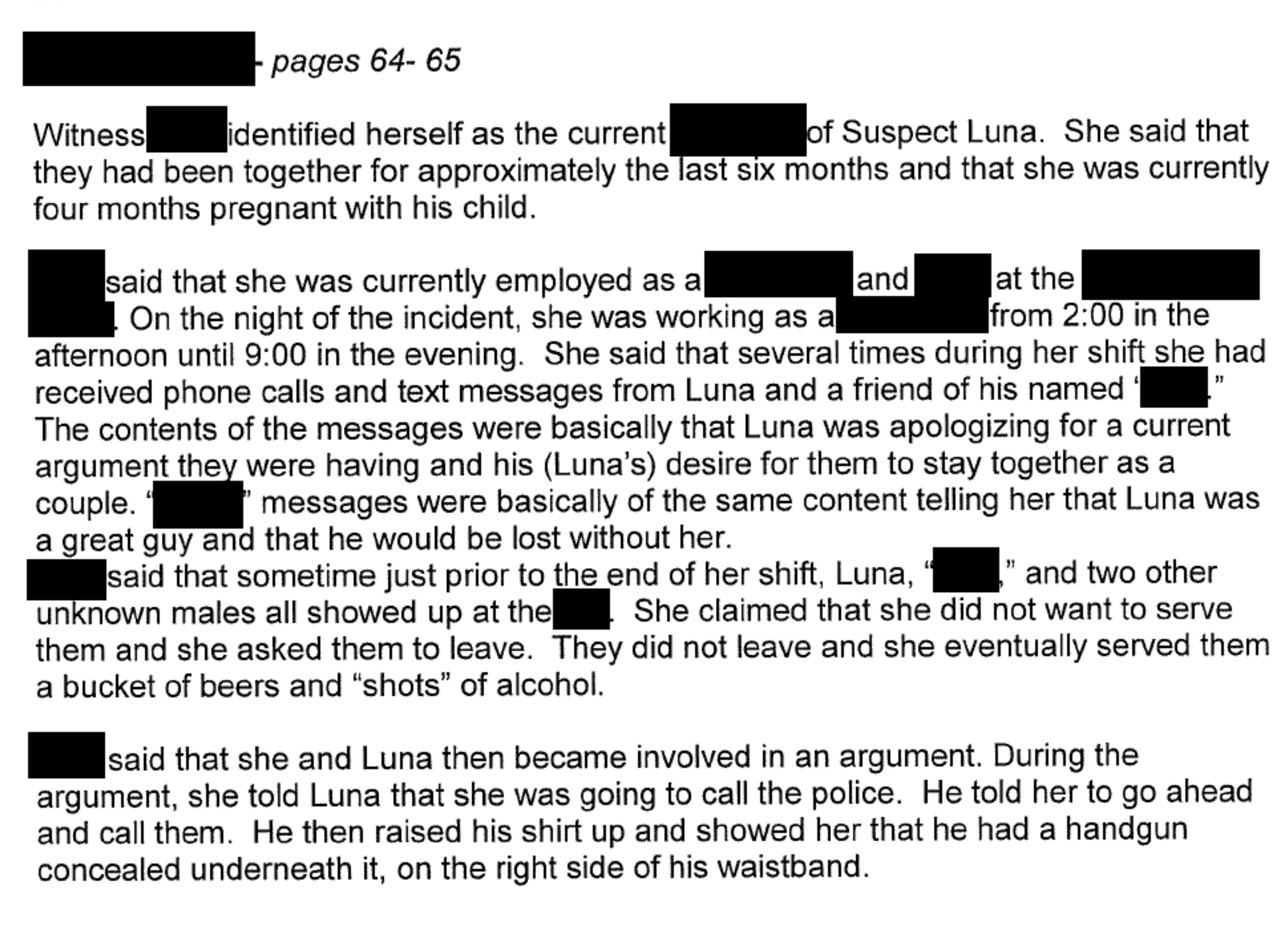
hotel and fired at deputies. He recalled seeing four to five yellow flashes from Suspect Luna and then he dropped, possibly onto the sidewalk.

Immediately after the shooting, he heard Deputy Helbing on the radio requesting an ambulance to respond to their location. He also heard that ground units were putting together a tactical team. He subsequently saw four to five deputies approach Suspect Luna and ensured he was disarmed. At that time, the ambulance arrived and they left the scene to respond to additional calls.

> **IAB NOTE:** For Deputies Felix and Padilla's complete statements, refer to their verbatim interview transcripts listed under the **Transcription** section of this case book.

<u>CIVILIAN WITNESSES</u>

The following below civilian witnesses were identified at the location and interviewed during the investigation by Homicide Bureau Investigators Shannon Laren and William Cotter. For the complete verbatim interview, refer to their transcriptions under the ***Transcription*** *section, or the IAB's audio files. Refer to the page number located after the witnesses' names for a summary of their statements, presented in the Homicide Bureau case book in* ***Exhibit A****.*

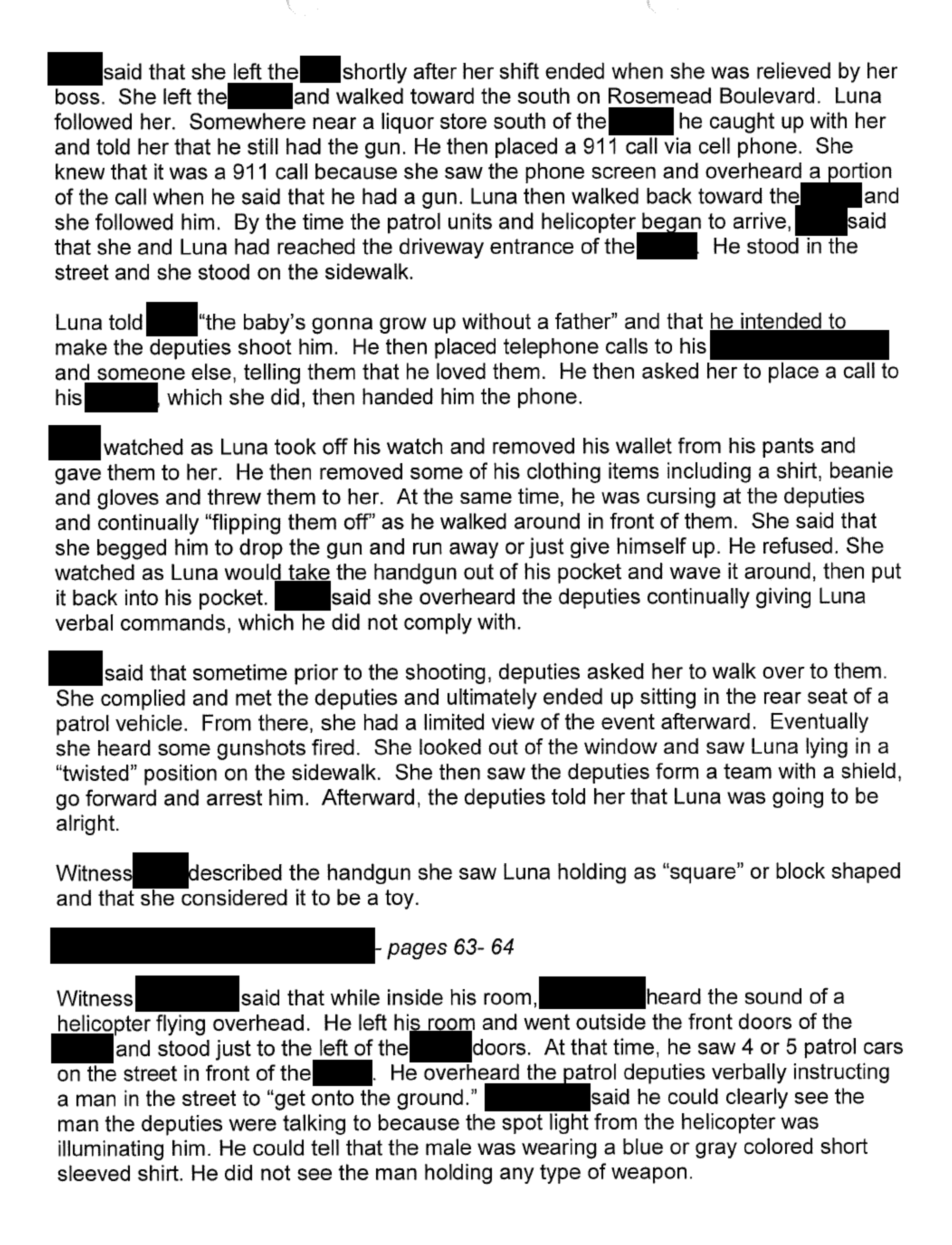


[redacted] *- pages 64- 65*

Witness [redacted] identified herself as the current [redacted] of Suspect Luna. She said that they had been together for approximately the last six months and that she was currently four months pregnant with his child.

[redacted] said that she was currently employed as a [redacted] and [redacted] at the [redacted]. On the night of the incident, she was working as a [redacted] from 2:00 in the afternoon until 9:00 in the evening. She said that several times during her shift she had received phone calls and text messages from Luna and a friend of his named "[redacted]." The contents of the messages were basically that Luna was apologizing for a current argument they were having and his (Luna's) desire for them to stay together as a couple. "[redacted]" messages were basically of the same content telling her that Luna was a great guy and that he would be lost without her.
[redacted] said that sometime just prior to the end of her shift, Luna, "[redacted]," and two other unknown males all showed up at the [redacted]. She claimed that she did not want to serve them and she asked them to leave. They did not leave and she eventually served them a bucket of beers and "shots" of alcohol.

[redacted] said that she and Luna then became involved in an argument. During the argument, she told Luna that she was going to call the police. He told her to go ahead and call them. He then raised his shirt up and showed her that he had a handgun concealed underneath it, on the right side of his waistband.



[redacted] said that she left the [redacted] shortly after her shift ended when she was relieved by her boss. She left the [redacted] and walked toward the south on Rosemead Boulevard. Luna followed her. Somewhere near a liquor store south of the [redacted] he caught up with her and told her that he still had the gun. He then placed a 911 call via cell phone. She knew that it was a 911 call because she saw the phone screen and overheard a portion of the call when he said that he had a gun. Luna then walked back toward the [redacted] and she followed him. By the time the patrol units and helicopter began to arrive, [redacted] said that she and Luna had reached the driveway entrance of the [redacted]. He stood in the street and she stood on the sidewalk.

Luna told [redacted] "the baby's gonna grow up without a father" and that he intended to make the deputies shoot him. He then placed telephone calls to his [redacted] and someone else, telling them that he loved them. He then asked her to place a call to his [redacted], which she did, then handed him the phone.

[redacted] watched as Luna took off his watch and removed his wallet from his pants and gave them to her. He then removed some of his clothing items including a shirt, beanie and gloves and threw them to her. At the same time, he was cursing at the deputies and continually "flipping them off" as he walked around in front of them. She said that she begged him to drop the gun and run away or just give himself up. He refused. She watched as Luna would take the handgun out of his pocket and wave it around, then put it back into his pocket. [redacted] said she overheard the deputies continually giving Luna verbal commands, which he did not comply with.

[redacted] said that sometime prior to the shooting, deputies asked her to walk over to them. She complied and met the deputies and ultimately ended up sitting in the rear seat of a patrol vehicle. From there, she had a limited view of the event afterward. Eventually she heard some gunshots fired. She looked out of the window and saw Luna lying in a "twisted" position on the sidewalk. She then saw the deputies form a team with a shield, go forward and arrest him. Afterward, the deputies told her that Luna was going to be alright.

Witness [redacted] described the handgun she saw Luna holding as "square" or block shaped and that she considered it to be a toy.

[redacted] *- pages 63- 64*

Witness [redacted] said that while inside his room, [redacted] heard the sound of a helicopter flying overhead. He left his room and went outside the front doors of the [redacted] and stood just to the left of the [redacted] doors. At that time, he saw 4 or 5 patrol cars on the street in front of the [redacted]. He overheard the patrol deputies verbally instructing a man in the street to "get onto the ground." [redacted] said he could clearly see the man the deputies were talking to because the spot light from the helicopter was illuminating him. He could tell that the male was wearing a blue or gray colored short sleeved shirt. He did not see the man holding any type of weapon.

As he was watching the incident for what he estimated had been ten minutes or so, a shooting occurred.

[redacted] - page 75

He said that while in the [redacted] at about 8 PM, he saw four men enter. He said the [redacted] was a female named [redacted], who was wearing a red shirt. He saw [redacted] tell the men to leave or she would call the police. Three of the men then left and only one remained and told her to go ahead and call the cops. The three men returned shortly thereafter. The one who remained, appeared to have some type of a relationship with [redacted]. They were arguing about text messages and she said something about how she couldn't believe he brought a pistol into the [redacted]. One of the guys (possibly the male's friends) spoke up and said that he didn't have a gun, but [redacted] said that he "did have a gun," because she saw it. [redacted] started crying as the male she had been arguing with asked to buy a bucket of beers for his friends. Witness [redacted] said he then left the [redacted].

Witness [redacted] said he walked down the street and bought some food and then returned to his room. Once in his room, he heard what he thought were fireworks. He looked outside and heard and saw a helicopter. He didn't see anybody get shot.

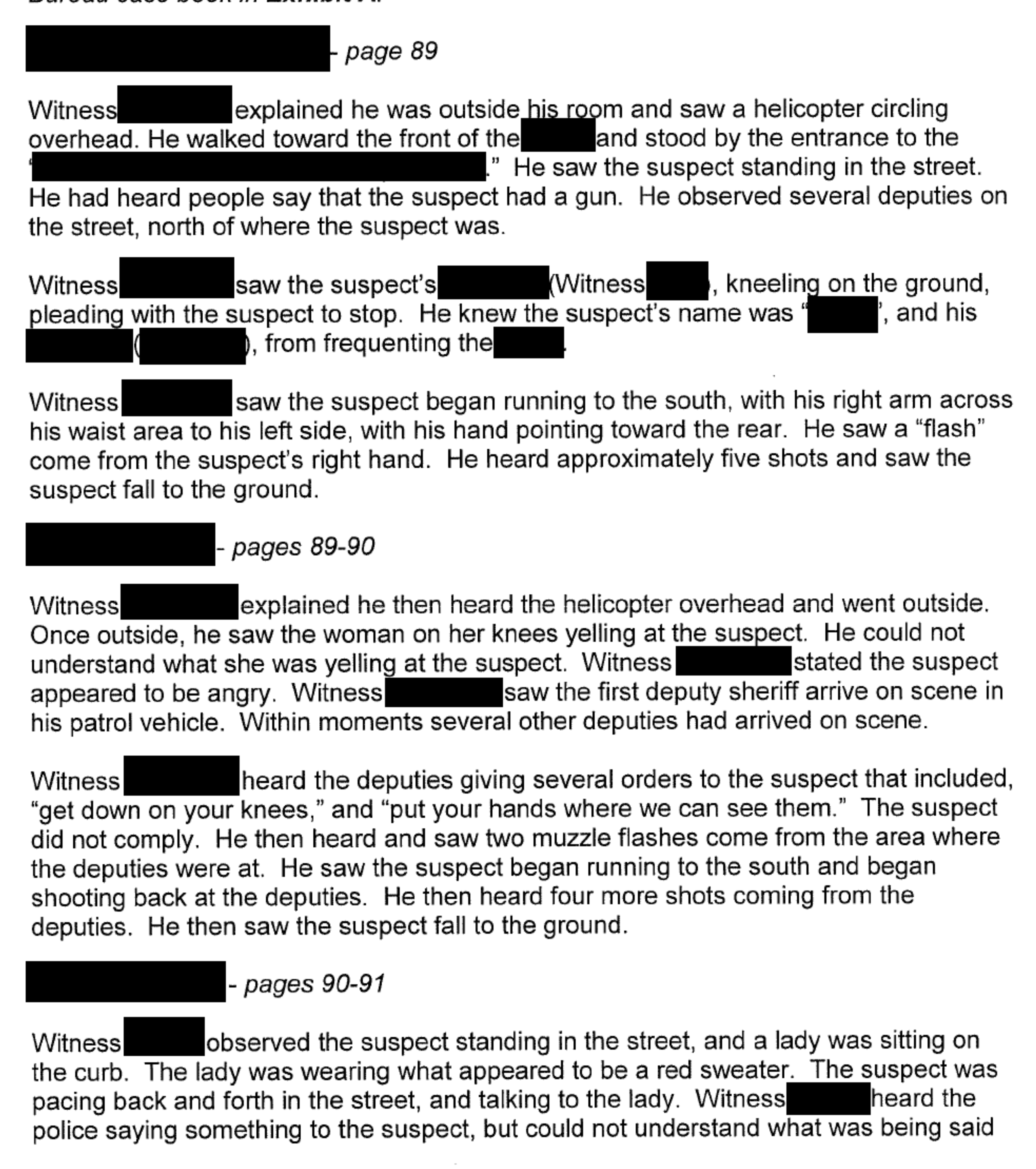
[redacted] - page 76

Witness [redacted] said he was a truck driver and was in the [redacted] having a couple of beers before going to sleep for the night in his truck. He said that while in the [redacted] he saw four males enter. The [redacted], who he knows as '[redacted]', told him that she was pregnant and was having issues with her [redacted] because he had cheated on her. He said that [redacted] then began arguing with her [redacted]. He overheard her tell her [redacted], "You shouldn't have brought that in here". He didn't know what she was referring to. The [redacted] for the next shift ([redacted]) then arrived. [redacted] left and her [redacted] followed her.

Witness [redacted] said he left the [redacted] and walked out to his truck and entered the cab. He relayed that his truck was the "Miller" truck which was parked in the parking lot of the [redacted] facing the shooting scene. He said he made his remaining observations of what transpired while sitting in the cab of his truck looking out the front windshield. He said his cab heater unit was on, which generated some noise.

While sitting in his cab, he saw [redacted] and her [redacted] walking back from the liquor store. He said that her [redacted] was in the street on a cell phone and she was on the sidewalk. He saw her [redacted] throw his phone and other items to [redacted]. He saw deputies arrive and heard a helicopter overhead and saw the spotlight. He saw her [redacted] tear off his shirt, but he didn't see a gun. He saw the [redacted] "flip off" the 10-15 cops who had since arrived as he was walking towards them. He then turned around and ran towards the liquor store. As the [redacted] got onto the sidewalk, he saw the cops shoot him and he dropped. He said he never saw the [redacted] with a gun.

The following below civilian witnesses were identified at the location and interviewed during the investigation by Homicide Bureau Investigators Sandra Nava and Donald Walls. For their complete verbatim interviews, refer to their transcriptions under the ***Transcription*** *section, or the IAB's audio files. Refer to the page number located after the witnesses' names for a summary of their statements, presented in the Homicide Bureau case book in* ***Exhibit A****.*



[redacted] - *page 89*

Witness [redacted] explained he was outside his room and saw a helicopter circling overhead. He walked toward the front of the [redacted] and stood by the entrance to the "[redacted]." He saw the suspect standing in the street. He had heard people say that the suspect had a gun. He observed several deputies on the street, north of where the suspect was.

Witness [redacted] saw the suspect's [redacted] (Witness [redacted], kneeling on the ground, pleading with the suspect to stop. He knew the suspect's name was "[redacted]", and his [redacted] ([redacted]), from frequenting the [redacted].

Witness [redacted] saw the suspect began running to the south, with his right arm across his waist area to his left side, with his hand pointing toward the rear. He saw a "flash" come from the suspect's right hand. He heard approximately five shots and saw the suspect fall to the ground.

[redacted] - *pages 89-90*

Witness [redacted] explained he then heard the helicopter overhead and went outside. Once outside, he saw the woman on her knees yelling at the suspect. He could not understand what she was yelling at the suspect. Witness [redacted] stated the suspect appeared to be angry. Witness [redacted] saw the first deputy sheriff arrive on scene in his patrol vehicle. Within moments several other deputies had arrived on scene.

Witness [redacted] heard the deputies giving several orders to the suspect that included, "get down on your knees," and "put your hands where we can see them." The suspect did not comply. He then heard and saw two muzzle flashes come from the area where the deputies were at. He saw the suspect began running to the south and began shooting back at the deputies. He then heard four more shots coming from the deputies. He then saw the suspect fall to the ground.

[redacted] - *pages 90-91*

Witness [redacted] observed the suspect standing in the street, and a lady was sitting on the curb. The lady was wearing what appeared to be a red sweater. The suspect was pacing back and forth in the street, and talking to the lady. Witness [redacted] heard the police saying something to the suspect, but could not understand what was being said

due to the noise of the helicopter overhead. She saw the lady hand something to the suspect, which she believed was a cell phone. Witness [redacted] saw the suspect place the item he had received from the lady up to his ear. The lady then went over to where the police cars were at. The suspect continued to pace back and worth and she believed he was talking on a phone. He had his right hand in, or on his pocket. Witness [redacted] believed at that point the suspect had a gun.

She heard the police talking to the suspect. She could not understand what the police were saying, however believed they were "trying to get him to give up." As the suspect was pacing back and forth, he threw his hands up a couple times, but then would turn around and retreat away from the officers. She observed the suspect walked back toward the officers, and then suddenly spun around and pulled out his "pistol."

The suspect then was moving in a southern direction, away from the officers, but was shooting at the officers who were to the north. The officers then "opened fire." She then lost sight of the suspect due to the trucks in the parking lot blocking her view.

Witness [redacted] believed the suspect may have shot four or five times.

[redacted] - *pages 91-92*

Witness [redacted] explained he was the owner of the red, semi truck and trailer that was parked in front of the [redacted]. He was at his truck when he saw the suspect in the street with the spotlight from the helicopter on him. The suspect was being arrogant and "flipping you guys off."

He saw "[redacted]", who he knew was the [redacted] at the [redacted], kneeling on the ground, screaming and crying. She was pleading with the suspect to stop, and telling the officers not to hurt the suspect. He watched for a short time and then returned to the bar. He insisted he did not witness the event and claimed he did not hear any gunshots. He learned later what had occurred.

[redacted] - *page 93*
Witness [redacted] stated he was inside his room when he heard the helicopter outside. He exited his room which was located on the south side of the property. He walked to the rear of a tractor - trailer that was the last truck parked furthest west, on the row of trucks parked in the south portion of the parking lot. While standing at the rear of the tractor Witness [redacted] saw the suspect in the middle of the street. He also saw a lady on her knees. The lady then walked on her knees to the deputies. He saw the suspect in the street, "walking in circles" and telling the deputies to come and get him. Witness [redacted] commented the suspect must have been under the influence of something.

Witness [redacted] stated he then heard the suspect shoot four or five times at the deputies, followed by the deputies returning a lot of gunfire. He did not actually see any gunfire. Based on what he heard regarding where the shots came from, he believed the suspect had fired first.

Witness [redacted] explained based on the suspect's actions, he believed the suspect wanted the deputies to shoot him.

Witness [redacted] stated as soon as the gunfire started he returned to his room and locked his door.

[redacted] - *page 96*

Witness [redacted] related the following to Investigators. While he was standing at the rear of the truck, he observed the suspect standing in the street and was throwing his hands up in the air. The police were positioned to the north of the suspect. He saw the suspect walking toward the police and away from them. When the shooting started, he does not know if the suspect, or the deputies, fired the first shot. After the initial shots were fired, he saw the suspect moving away from the deputies and shooting back at them. Witness [redacted] demonstrated how the suspect was shooting by draping his right arm across the front of him and pointing his hand backward, over his left hip (suspect's back would be toward the deputies). The suspect then fell to the ground.

[redacted] - *page 94*

Witness [redacted] saw the suspect and a female in the street. The female was on her knees. He thought the suspect and female may have been arguing with one another. Shortly thereafter the police officers arrived on scene. Witness [redacted] stated the suspect was showing the police the gun that he had in his pocket. The female handed the suspect a cell phone. The suspect was making a phone call and walking back and forth in the street. Just prior to the shooting the suspect began to run toward the south and out of his view therefore he did not actually see the suspect shoot.

Witness [redacted] stated he saw the deputies shooting. Once the shooting started he became scared. He did not hear any of the things that were being said between the deputies and the suspect.

[redacted] - *pages 95-96*

Witness [redacted] stated while inside his room at the [redacted] he heard the helicopter. From the balcony outside his room he saw the police vehicles and the light beaming down from the helicopter. He ran down to the parking lot to ascertain what was occurring. He positioned himself at the rear of a semi tractor-trailer that was parked on the west end of the row of trucks, parked in the south end of the parking lot. He then began videotaping the events with his cell phone.

When asked what he had seen, Witness [redacted] responded, "some idiot standing in the street." He explained the suspect was just walking back and forth. Witness [redacted] stated he heard the deputies giving commands to the suspect which were, "get on the ground, get on the ground, turn around, put your hands behind your head."

Witness [redacted] demonstrated the suspect's actions prior to the shooting. His demonstration was consistent with the suspect's actions captured on the video. The suspect was not complying with the commands being given by the deputies.

Witness [redacted] related that when he first arrived at the rear of the truck, he saw a female who was by the curb. The suspect kept walking over to her. The deputies eventually took her away. Witness [redacted] stated, "that was the [redacted]"

Witness [redacted] stated he did not see the suspect's gun until he heard the first two gunshots fired by the deputies. After the first two gunshots, the suspect began running away, produced his gun, and began shooting back at the deputies.

> **IAB NOTE:** The audio for Witness [redacted] was cut off at 30 seconds into the interview. There is no audio recording for Witness [redacted] as indicated in the investigators report.

SUSPECT'S STATEMENTS

Suspect Luna was interviewed during the investigation by Homicide Bureau Investigators Shannon Laren and William Cotter on February 23, 2012. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the **Transcriptions** section of the IAB casebook. For the summary of this interview with the Homicide Bureau investigators, refer to **Exhibit A, pages 72-73**.

Luna said that he went to the [redacted] with some friends to play pool. As soon as they entered he said that his [redacted] (Witness [redacted]) started "talking shit" to him. Luna said that he had only gone to the [redacted] to try and set things right with her about an on-going argument they were having with each other about him cheating on her in the past.

Luna said the argument continued and that [redacted] "disrespected him" in front of everybody and he decided "I'll end it right now." [redacted] then told him that she was going to call the cops. And that he told her to go ahead and call them. As the argument heated up further, [redacted] told him "why don't you just go fucking die," he answered her, "OK." After making the statement, Luna said he walked out into the parking lot of the [redacted] and retrieved a handgun from his car. He then walked back into the [redacted] apparently intent on causing his own death.

Moments later, Luna said he called 911 and told the operator that "I have a gun" and that he was at the [redacted] Moments later, Luna said an operator called him back on the cell phone and asked him if he had a gun. He claimed to have replied to the operator that yes he had a gun and that he was "ready to die."

Luna then walked out into the street in front of the [redacted]. [redacted] was with him. Once the deputies arrived, Luna claimed to have used a telephone to call his [redacted], [redacted] and

[redacted] and tell them he loved them. He then gave his personal property to [redacted] who was standing nearby.

Luna said that he heard the commands that were being given to him by deputies, but that he was not in the "right state of mind" to listen. He claimed that he did have a handgun with him when he was contacted by the deputies and that he was carrying it in his pocket. He admitted that he was continually touching the gun and that he did pull it out and put in back into the pocket during the altercation.

However, Luna claimed that he did not initially pull the gun out, but that he heard one of the deputies say "I see a weapon" then it sounded like fireworks went off. After that, Luna said that he started to run, then pulled the firearm out and shot back. He said that he only fired the weapon 2 times and that he shot over the heads of the deputies. Investigators asked Luna where he obtained the handgun. He refused to say, but did state that it was already loaded when he acquired it.